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ADVISORY FOR:
CRIMINAL JUSTICE AGENCIES

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ILLINOIS UNIFORM DISPOSITION REPORTING LAW

Effective January 1, 1984

Intent of the Law

The UNIFORM DISPOSITION REPORTING LAW was enacted to improve the completeness and accuracy of criminal history record information being maintained by the Illinois Department of Law Enforcement's Bureau of Identification.

Current Problems

Although the State has invested heavily in the development of the Computerized Criminal History (CCH) System and the Law Enforcement Agencies Data System (LEADS) telecommunications network, the majority of the criminal history record information maintained by the State consists of only records of arrest. Information is missing about charges filed, convictions, sentences, and imprisonment, as well as probation revocations and parole violations. Specifically:

- * Nearly 60 percent of all the arrests reported to the Bureau of Identification in the last seven years are missing follow-up information.
- * State's Attorneys and police throughout the State are generally not reporting their decisions to drop charges.
- * In certain circumstances, reported convictions cannot be entered to the Computerized Criminal History (CCH) System, because there are no fingerprints or document control numbers to link the conviction information to a particular offender.
- * There appears to be no uniform, statewide method for the circuit court clerks to report when supervision, probation and conditional discharge orders are terminated, revoked or result in resentencing, and when sentences are modified or reversed by appellate court decisions.
- * Corrections information about persons sentenced to serve time in local jails is not being collected by the State.

(Continued)

How Will These Problems Be Solved?

Since criminal justice officials require the timely delivery of accurate and complete information to make informed decisions, the law establishes procedures for ensuring statewide uniformity in the reporting of arrest, charge, case, and custodial information.

The law amends Illinois Revised Statute, Chapter 38 paragraph 206-2.1 by clarifying the responsibilities of criminal justice agencies to report disposition information to the Bureau of Identification.

Under the law, the Illinois Criminal Justice Information Authority must approve uniform reporting methods for all law enforcement agencies, state's attorneys, and correctional officials throughout the State. It also requires circuit court clerks to report dispositions under uniform procedures approved by the Illinois Supreme Court.

The law also requires that all persons guilty of reportable offenses will be fingerprinted after they are sentenced.

Fiscal Impact

Local Criminal Justice Agencies. The requirements of the law constitute due process mandates which are not reimbursable under the State Mandates Act.

Illinois Department of Law Enforcement. Sufficient resources will be required to modify the current design of the Computerized Criminal History (CCH) System and to monitor and evaluate compliance with the law.

ILLINOIS UNIFORM DISPOSITION REPORTING LAW

June-October 1982	Public hearings are held by the Authority's predecessor agency, the Criminal Justice Information Council.
December 15	The Criminal Justice Information Council endorses a revision of chapter 38 section 206-2.1 as part of an overall proposal on dissemination of criminal records.
March 16, 1983	The Illinois Criminal Justice Information Authority votes unanimously to introduce the Uniform Disposition Reporting Bill in the Spring Session of the General Assembly.
April 15	Co-sponsored by a bipartisan group of State representatives, House Bill 1889 is introduced and assigned to the House Judiciary I Committee.
May 6	An amendment permitting persons convicted of minor offenses to be fingerprinted is approved by the Judiciary Committee. The Committee also votes 15-0 to send the bill to the full House for consideration.
May 26	The House votes 108-0 to approve the bill and send it to the Senate.
June 27	The Senate votes 54-0 to send the bill to the Governor.
September 23	Governor Thompson signs the bill into law (Public Act 83-752).
January 1, 1984	Effective date of the Uniform Disposition Reporting Law.

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PUBLIC ACT 83-752

An Act to amend Section 2.1 of "An Act in relation to criminal identification and investigation", approved July 2, 1931, as amended.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Section 2.1 of "An Act in relation to criminal identification and investigation", approved July 2, 1931, as amended, is amended to read as follows:

(Ch. 38, par. 206-2.1)

Sec. 2.1. For the purpose of maintaining complete and accurate criminal records of the Department of Law Enforcement, it is necessary for all policing bodies of this State, the clerk of the circuit court, the Illinois Department of Corrections, the sheriff of each county, and State's Attorney of each county to submit certain criminal arrest, charge, and disposition information to the Department for filing at the earliest time possible. Unless otherwise noted herein, it shall be the duty of all policing bodies of this State, the clerk of the circuit court, the Illinois Department of Corrections, the sheriff of each county, and the State's Attorney of each county to report such information as provided in this section, both in the form and manner approved by the Illinois Criminal Justice Information Authority and within 30 days of the criminal history event. Specifically:

(a) Arrest Information. All agencies making arrests for offenses which are required by statute to be collected, maintained or disseminated by the Department of Law Enforcement shall be responsible for furnishing daily to the Department fingerprints, charges and descriptions of all persons who are arrested for such offenses. All such agencies shall also notify the Department of all

decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other agencies for the purpose of furnishing daily such fingerprints, charges and descriptions to the Department upon its behalf.

(b) Charge Information. The State's Attorney of each county shall notify the Department of all charges filed, including all those added subsequent to the filing of a criminal court case, and whether charges were not filed in criminal cases for which the Department has a record of an arrest.

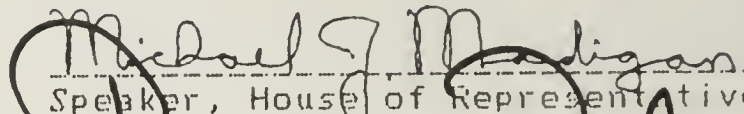
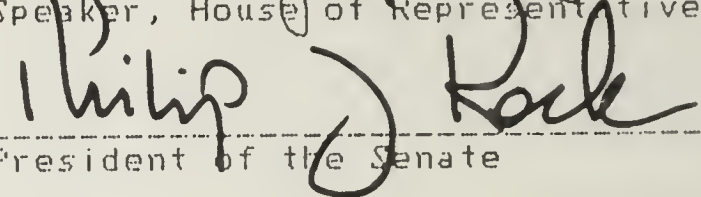
(c) Disposition Information. The clerk of the circuit court of each county shall furnish the Department, in the form and manner required by the Supreme Court, with all final dispositions of criminal cases for which the Department has a record of an arrest or a record of fingerprints reported pursuant to paragraph (d) of this Section. Such information shall include, for each charge, all (1) judgments of not guilty, judgments of guilty including the sentence pronounced by the court, discharges and dismissals in the trial court; (2) reviewing court orders filed with the clerk of the circuit court which reverse or remand a reported conviction or vacate or modify a sentence; (3) continuances to a date certain in furtherance of an order of supervision granted under section 5-6-1 of the Unified Code of Corrections or an order of probation granted under either section 10 of the Cannabis Control Act or section 410 of the Illinois Controlled Substances Act; and (4) judgments terminating or revoking a sentence to probation, supervision or conditional discharge and any resentencing after such revocation.

(d) Fingerprints after Sentencing. (1) After the court pronounces sentence, including an order of supervision or an order of probation granted under either section 10 of the Cannabis Control Act or section 410 of the Illinois Controlled Substances Act, for any offense which is required by statute to be collected, maintained, or disseminated by the Department of Law Enforcement, the State's Attorney shall ask the court to order a law enforcement agency to fingerprint immediately all persons appearing before the court who have not previously been fingerprinted for the same case. The court shall so order the requested fingerprinting, if it determines that any so sentenced person has not previously been fingerprinted for the same case. The law enforcement agency shall submit such fingerprints to the Department daily.

(2) After the court pronounces sentence for any offense which is not required by statute to be collected, maintained, or disseminated by the Department of Law Enforcement, the prosecuting attorney may ask the court to order a law enforcement agency to fingerprint immediately all persons appearing before the court who have not previously been fingerprinted for the same case. The court may so order the requested fingerprinting, if it determines that any so sentenced person has not previously been fingerprinted for the same case. The law enforcement agency may retain such fingerprints in its files.


(e) Corrections Information. The Illinois Department of Corrections and the sheriff of each county shall furnish the Department with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, or discharge of an individual who has been sentenced to the agency's custody for any offenses which are mandated by statute to be collected, maintained or disseminated by the

Department of Law Enforcement. For an individual who has been charged with any such offenses and who escapes from custody or dies while in custody, all information concerning the receipt and escape or death, whichever is appropriate, shall also be so furnished to the Department.


Speaker, House of Representatives

President of the Senate

APPROVED

this 23rd day of September, 1983 A.D.


GOVERNOR

8089512

ILLINOIS DEPARTMENT OF CORRECTIONS

UNIFORM DISPOSITION REPORTING REQUIREMENTS

Effective January 1, 1984, the ILLINOIS DEPARTMENT OF CORRECTIONS is responsible for reporting the following information to the Bureau of Identification concerning offenders sentenced to its custody:

- Receipt
- Parole
- Supervised release
- Escape
- Execution
- Death
- Pardon
- Commutation of sentence
- Executive clemency
- Discharge

Time Frame: Within 30 days after each event.

[Statutory reference: Illinois Revised Statutes, chapter 38 paragraph 206-2.1(e).]

ILLINOIS DEPARTMENT OF CORRECTIONS
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UNIFORM DISPOSITION REPORTING REQUIREMENTS

Effective January 1, 1984, STATE'S ATTORNEYS are responsible for reporting the following information directly to the Bureau of Identification:

- Charges filed.
- Charges added subsequent to the filing of a criminal court case.
- Decisions not to file charges after a reported arrest.

Time Frame: Within 30 days of the decision to file charges, to add subsequent charges, or not to file charges.

Special Instruction: This requirement applies only to those arrests reported to the Bureau of Identification.*

[Statutory reference: Illinois Revised Statutes, chapter 38 paragraph 206-2.1(b).]

Under the Uniform Disposition Reporting Law, a State's Attorney shall ask a court to order sentenced offenders, who have not previously been fingerprinted, to be fingerprinted for reportable offenses. This will involve court cases initiated by indictment, notice to appear or summons, rather than by arrest.

Effective January 1, 1984, STATE'S ATTORNEYS should:

- Ask the court to order a law enforcement agency to fingerprint sentenced offenders not previously fingerprinted for reportable offenses.

Time Frame: Immediately after sentence has been pronounced.

[Statutory reference: Illinois Revised Statutes, chapter 38 paragraph 206-2.1(d)(1).]

* As a general rule, decisions to file or not to file charges regarding all felony and Class A or Class B misdemeanor arrests must be reported by State's Attorneys to the Illinois Department of Law Enforcement's Bureau of Identification, located in Joliet. Questions whether to report a particular charging decision should be referred directly to the Bureau of Identification, (815) 727-5301.

COUNTY CORRECTIONAL FACILITIES

UNIFORM DISPOSITION REPORTING REQUIREMENTS

Effective January 1, 1984, SHERIFFS are responsible for ensuring that the following information concerning offenders sentenced to their custody* is reported to the Bureau of Identification:

- Receipt
- Release
- Pardon
- Commutation of sentence
- Executive clemency
- Discharge

Time Frame: Within 30 days after each event.

Special Instruction: This requirement applies only to those offenders actually sentenced to the custody of the Sheriff for reportable offenses. It does not apply to those offenders who happen to be in the custody of the Sheriff awaiting transfer to the custody of the Illinois Department of Corrections.

[Statutory reference: Illinois Revised Statutes, chapter 38 paragraph 206-2.1(e).]

Effective January 1, 1984, SHERIFFS are also responsible for ensuring that the following information is reported to the Bureau of Identification:

- Escape
- Death

Time Frame: Within 30 days after a person dies or escapes from custody.

Special Instruction: This requirement applies to all persons in a Sheriff's custody for reportable offenses.

[Statutory reference: Illinois Revised Statutes, chapter 38 paragraph 206-2.1(e).]

* As a general rule, corrections information regarding persons sentenced for all felony or Class A or Class B misdemeanor offenses must be reported. Corrections information about persons sentenced for minor offenses, such as Class C misdemeanors, petty offenses, and municipal ordinance violations should not be reported. Questions whether to report corrections information about a person sentenced for a particular offense should be referred directly to the Bureau of Identification, in Joliet, (815) 727-5301.

LAW ENFORCEMENT AND ARRESTING AGENCIES

UNIFORM DISPOSITION REPORTING REQUIREMENTS

Effective January 1, 1984, ARRESTING AGENCIES are responsible for reporting the following information to the Bureau of Identification:

- Fingerprints, charges, and descriptions of all persons arrested.*

Time Frame: Within 24 hours of arrest.

Special Instruction: An arresting agency may enter into an arrangement with another agency to furnish the required information on its behalf.

[Statutory reference: Illinois Revised Statutes, chapter 38 paragraph 206-2.1(a).]

- Decisions not to refer a reported arrest for prosecution.

Time Frame: Within 30 days of the decision not to refer an arrest to the State's Attorney for prosecution.

Special Instruction: This requirement applies only to those arrests that have already been reported to the Bureau of Identification.

[Statutory reference: Illinois Revised Statutes, chapter 38 paragraph 206-2.1(a).]

Under the Uniform Disposition Reporting Law, the court shall order a law enforcement agency to fingerprint sentenced offenders, who the court finds have not previously been fingerprinted for reportable offenses. This will involve court cases initiated by indictment, notice to appear or summons, rather than by arrest. The court may also order persons sentenced for minor offenses to be fingerprinted by a law enforcement agency, if not already fingerprinted for the same case.

* As a general rule, arrest information regarding all felony and Class A or Class B misdemeanor offenses must be reported by arresting agencies to the Illinois Department of Law Enforcement's Bureau of Identification, located in Joliet. Minor offenses, such as Class C misdemeanors, petty offenses, and municipal ordinance violations are not reported to the Bureau of Identification. Questions whether to report a particular offense should be referred directly to the Bureau of Identification, (815) 727-5301.

REPORTING REQUIREMENTS

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Effective January 1, 1984, LAW ENFORCEMENT AGENCIES should:

- Fingerprint sentenced offenders not previously fingerprinted for reportable offenses.

Time Frame: Immediately.

Special Instruction: This requirement applies only when ordered by the court.

[Statutory reference: Illinois Revised Statutes, chapter 38 paragraph 206-2.1(d)(1).]

- Submit court-ordered fingerprints for reportable offenses to the Bureau of Identification.

Time Frame: Within 24 hours after fingerprinting.

[Statutory reference: Illinois Revised Statutes, chapter 38 paragraph 206-2.1(d)(1).]

- Fingerprint sentenced offenders not previously fingerprinted for minor offenses.

Time Frame: Immediately.

Special Instruction: This requirement applies only when ordered by the court.

[Statutory reference: Illinois Revised Statutes, chapter 38 paragraph 206-2.1(d)(2).]

- Retain court-ordered fingerprints on offenders, after they have been sentenced for minor offenses.

Special Instruction: These fingerprints may be kept in the law enforcement agency's record files. However, they should NOT be sent to the Bureau of Identification, since they are for minor offenses.

[Statutory reference: Illinois Revised Statutes, chapter 38 paragraph 206-2.1(d)(2).]

ILLINOIS UNIFORM DISPOSITION REPORTING LAW





**ILLINOIS
CRIMINAL JUSTICE
INFORMATION AUTHORITY**

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